

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55500 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- KALER District- Jehanabad

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Jitendra Singh Son of Nageshwar Singh Resident of Village- Katahribagh,
Imamganj, Rawal Tola, P.S.- Chapra Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radhamohan Singh, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Radhamohan Singh, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Kaler P. S. Case No. 52 of 2020 (Excise
Case No. 891 of 2020) registered for the offences punishable
under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
Police, on a secret information ,apprehended a Tata 909 vehicle
bearing registration no. UP-50AT-2633 and on search being



made altogether 3800 litres of spirit was recovered. It is further alleged that the driver and cleaner of the said vehicle were apprehended at the spot and they disclosed the name of three persons including Bajrangi Singh as owner of the vehicle, Sarghun Rai and Jitendra Singh as as consigner of the alleged illicit spirit.

Learned counsel appearing on behalf of the petitioner submitted that save and except the disclosure made by the driver and the cleaner of the alleged vehicle, there is no other material which suggests the complicity of the petitioner in the present case. It is further submitted that in fact, the petitioner was implicated in this case only because of his past criminal antecedent and nothing has been recovered from his conscious or constructive possession. It is lastly submitted that this petitioner is in custody since 03.08.2021 and moreover, the investigation of the crimed is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation, it has come that the petitioner is involved in illegal trade of illicit wine. It is further submitted that petitioner has six criminal antecedent. In response to the aforesaid



contention learned counsel for the petitioner has submitted that the petitioner is on bail in all the cases pending against him.

Having considered the submissions made on behalf of the parties and taking into account the fact that save and except disclosure made by the driver and the cleaner of the said vehicle, there is no other material suggesting the complicity of the petitioner in the present case, apart from that the petitioner is in custody since 03.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise, Jehanabad in connection with Kaler P. S. Case No. 52 of 2020 (Excise Case No. 891 of 2020), subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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